

AMENDED IN ASSEMBLY FEBRUARY 24, 2010

AMENDED IN ASSEMBLY JANUARY 26, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

Assembly Concurrent Resolution

No. 74

**Introduced by Assembly Member Portantino ~~Members Portantino~~
and Hill**

May 18, 2009

Assembly Concurrent Resolution No. 74—Relative to umbilical cord blood banking.

LEGISLATIVE COUNSEL'S DIGEST

ACR 74, as amended, Portantino. Umbilical cord blood banking.

This measure would state that the Legislature desires to find ways to help California gain a viable public umbilical cord blood banking system to ensure *that* all races and ethnicities have an equal probability of finding a match when medically necessary. This measure would also specify that the Legislature supports related research being done with collected units that are not suitable for transplantation.

Fiscal committee: no.

1 WHEREAS, Since the first umbilical cord blood transplant in
2 1988, the industry of collecting umbilical cord blood for public or
3 private use has grown rapidly both as a treatment for over 70
4 medical conditions and as an industry of biological insurance; and
5 WHEREAS, Even with the industry's rapid growth and umbilical
6 cord blood's current use to treat blood cancers, such as leukemia,
7 myeloma, and lymphoma, and more than 70 inherited
8 immunodeficiencies and other genetic and acquired blood diseases,

1 including sickle cell anemia, thalassemias, hemoglobinopathies,
2 aplastic anemias, and marrow failure disorders, and inherited
3 disorders or errors of metabolism, the public is largely unaware
4 of the critical differences between public umbilical cord blood
5 banking and private umbilical cord blood banking systems; and
6

7 *Private Umbilical Cord Blood Banking*
8

9 WHEREAS, Umbilical cord blood can be collected privately
10 for any consumer who wishes to pay for both collection and
11 storage. The private umbilical cord blood banking industry is
12 entirely supported by consumers who pay about \$2,000 to collect,
13 and ~~\$200~~ \$125 annually to store, their families' umbilical cord
14 blood. Private banks do not charge consumers for release of their
15 umbilical cord blood and any decision regarding the use of the
16 unit is up to the donor or the donor's family; and

17 WHEREAS, Consumers are informed that banking their
18 families' umbilical cord blood may be clinically useful for their
19 future medical needs, but since most transplants do not involve
20 privately banked umbilical cord blood, some medical organizations
21 recommend against private umbilical cord *blood* banking unless
22 there are clear medical reasons for its use; and

23 WHEREAS, The exploration of umbilical cord blood's capacity
24 to cure is in its early stages, but since there is a strong likelihood
25 that the use of one's own stem cells, specifically in regenerative
26 medicine, will increase, the future of this incredible potential
27 supports private umbilical cord blood banking as a prudent choice
28 for those who can afford it; and

29 WHEREAS, Over the last 20 years, transplant physicians chose
30 family banks to transplant perfectly matched siblings. Recently,
31 neurological disorders, such as cerebral palsy and other injuries
32 to the brain, are being treated with the donor's own stem cells, and
33 there are clinical trials approved by the United States Food and
34 Drug Administration (FDA) to evaluate the use of a child's own
35 umbilical cord blood in regenerative therapies for diseases and
36 conditions that could not previously be treated, such as juvenile
37 diabetes. These indicate many future cures may come from
38 autologous cells using the patient's own immune system; and

39 WHEREAS, The private banking industry has been largely
40 responsible for the public's current knowledge of umbilical cord

1 blood banking and has been a consistent advocate of disseminating
2 information about umbilical cord blood banking to pregnant women
3 and their families; and

4 WHEREAS, The trend of disseminating information about
5 umbilical cord blood banking culminated in California with the
6 enactment of Senate Bill 1555 (Chapter 484 of the Statutes of
7 2006) that authorizes distribution of information to families about
8 umbilical cord blood banking; and

9 WHEREAS, Several other states passed similar laws around
10 the same time as the enactment of Senate Bill 1555; and

11
12 *Public Umbilical Cord Blood Banking*
13

14 WHEREAS, In 2007, the California Legislature shifted its focus
15 from disseminating information about umbilical cord blood banking
16 to taking measures to ensure all races and ethnicities of all incomes
17 have an equal probability of finding a suitable match on public
18 umbilical cord blood registries; and

19 WHEREAS, Umbilical cord blood collected for public use is
20 in high demand; and

21 WHEREAS, The collection and storage of umbilical cord blood
22 for public use is free of charge to the donor and listed on public
23 registries for access by health providers for transplantation; and

24 WHEREAS, Public umbilical cord blood banks have been
25 chosen by transplanting physicians to provide stem cell units for
26 approximately 95 percent of the 20,000 transplants performed to
27 date; and

28 WHEREAS, Since the probability of finding a tissue match is
29 greatest among persons of similar genetic backgrounds and the
30 current inventory is deficient of genetically diverse umbilical cord
31 blood, especially from specific ethnic, racial, and multiracial
32 individuals, collection efforts are aimed directly at
33 underrepresented groups; and

34 WHEREAS, Since only about one-third of collected umbilical
35 cord blood is usable for transplantation, the remaining units should
36 be provided to research institutions exploring the potential of
37 umbilical cord blood stem cells to treat many debilitating and lethal
38 medical conditions; and

39 WHEREAS, The public umbilical cord blood banking system
40 needs financial support to ensure inventories can provide all ethnic

1 and racial groups with an equal probability of a match. Since public
2 umbilical cord blood systems do not charge donors, funds do not
3 flow until units are released to transplanting health providers, at
4 a cost of about \$20,000 to \$25,000 per unit. However, the current
5 low inventory means the number of matches are limited, and this
6 system under which payment is made after a match is found makes
7 it difficult for public banks to generate enough capital to fund
8 significant increases in the inventory without outside support; and

9 WHEREAS, The federal government enacted the Stem Cell
10 Therapeutic and Research Act of 2005 to collect and maintain
11 umbilical cord blood for public use in transplantation and research.
12 To help in this effort, Assembly Bill 34 (Chapter 516 of the Statutes
13 of 2007) was enacted to create a public banking infrastructure in
14 California that adds genetically diverse umbilical cord blood units
15 to the national public inventory to ensure Californians, who are
16 ethnically and genetically diverse, have their ethnic and genetic
17 diversity reflected in the inventory. The more the inventory mirrors
18 the genetic makeup of our state's population, the greater the chance
19 our constituents will find a match when they are in need; and

20 WHEREAS, These actions changed California's focus from
21 being about disseminating information about umbilical cord blood
22 banking to funding efforts that would collect and store umbilical
23 cord blood for public use; and

24 WHEREAS, Since almost half the births in California are to
25 mothers enrolled in state-funded programs who cannot afford to
26 bank privately, their only option is public banking; and

27 WHEREAS, The National Marrow Donor Program, in a recent
28 plea to states to help increase the national umbilical cord blood
29 public inventory, stated the following:

30 (1) States can help expand the number of publicly available
31 umbilical cord blood units by appropriating additional resources
32 for the collection and storage of units.

33 (2) Many states are currently passing legislation that mandates
34 public awareness campaigns or development of educational
35 materials, or both. These efforts can create a demand that cannot
36 be met in many areas and they do little to expand the national
37 public umbilical cord blood inventory; and

38 WHEREAS, The future of medicine that relies on umbilical
39 cord blood stem cells will likely require both public and private
40 family umbilical cord blood banking systems and collaborations

1 between the two systems. However, without building a viable
2 public banking system, these joint ventures will not be realized
3 and many Californians will be unable to access the benefits of
4 current and future health remedies umbilical cord blood does and
5 will provide; now, therefore, be it

6 *Resolved by the Assembly of the State of California, the Senate*
7 *thereof concurring*, That the Legislature desires to find ways to
8 help California gain a viable public umbilical cord blood banking
9 system to ensure all races and ethnicities have an equal probability
10 of finding a match when medically necessary; and be it further

11 *Resolved*, That the Legislature supports related research being
12 done with collected units that are not suitable for transplantation;
13 and be it further

14 *Resolved*, That the Chief Clerk of the Assembly transmit copies
15 of this resolution to the State Department of Public Health and the
16 California Institute for Regenerative Medicine.